

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 20-13293

Honorable David M. Lawson

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA,

Defendant.

_____ /

ORDER STRIKING NOTICE OF WITHDRAWAL

On July 24, 2023, attorney David Gardey filed a notice purporting to withdraw his appearance as counsel of record for the government. However, under the applicable rules of court, withdrawal by counsel of record for a party is permitted only with leave of court, and the filing of a “notice” is not a proper means for seeking such leave.

Under the local rules of this district, “[a]n attorney’s appearance [in a civil matter] continues until entry of (A) a final order or judgment disposing of all claims by or against the party the attorney represents, or (B) a withdrawal or substitution order,” and “[a]n attorney may withdraw or be substituted for only on order of the court.” E.D. Mich. LR 83.25(b)(1), (2). The local rule does not permit termination of an attorney’s appearance by the filing of a notice of withdrawal. “In [g]eneral[,] [a] request for a court order must be made by motion.” Fed. R. Civ. P. 7(b)(1). The “notice” filed here was not presented in the form of a motion. Moreover, the rules governing motion practice require certain measures to be taken before a motion is filed, such as seeking concurrence from opposing counsel in the contemplated relief. *See* E.D. Mich. LR 7.1(a).

The notice filed by government counsel does not indicate that any such effort was made in this instance. The improperly filed notice of withdrawal therefore will be stricken.

Accordingly, it is **ORDERED** that attorney David Gardey's notice of withdrawal (ECF No. 112) is **STRICKEN**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 11, 2023